

CHAPTER 7-03.1-08
TRANSFER PROCEDURES FOR ALL DAIRY PRODUCTS

Section

7-03.1-08-01

Transfer Procedures

7-03.1-08-01. Transfer procedures.

1. Dairy producers must meet minimum quality and inspection standards to be eligible to sell their milk. To ensure that this regulation is effective, all current dairy producers who want to transfer between plants shall make application to the dairy commissioner for authority to transfer. The application must be made on forms provided by the dairy commissioner.
2. Upon receipt of an application, the dairy commissioner shall examine the inspection and milk quality records of that producer. If the producer's records indicate that the producer meets minimum milk quality standards for the respective grade of milk being sold and the producer is under no suspension or suspension warning, the dairy commissioner shall immediately approve the transfer application and mail a copy to the dairy producer and plants involved. Should the producer's records leave doubt about whether minimum standards are met, the dairy commissioner shall immediately order a sample of milk be taken or an inspection of the dairy facility, or both, to determine compliance. If said inspection and milk quality tests conclude that the producer meets minimum standards, the dairy commissioner shall immediately approve the transfer and notify the interested parties.
3. In all cases, the dairy commissioner shall approve or disapprove the application to transfer in writing, within seven days. The transfer is effective, if approved, no sooner than fourteen days after receipt of the application by the dairy commissioner.
4. No transfer may be approved while a producer is under a warning of intent to suspend for failure to meet any minimum quality standard for raw milk offered for sale.
5. Upon written request of the dairy producer, within thirty days of the denial of a transfer request, the dairy commissioner shall convene a hearing, within fifteen days of receiving the written request, to determine the circumstances of the disputed transfer and whether the denial is proper. The hearing must otherwise be in accordance with North Dakota Century Code chapter 28-32. The dairy commissioner shall issue written findings and conclusions from the hearing if transfer is denied.
6. If a producer wishes to stay with the producer's current milk buyer before the approved transfer date, the producer may notify the dairy

commissioner to rescind the transfer. The producer must notify the companies involved that the transfer was rescinded.

History: Effective August 1, 1986; amended effective April 1, 1993.

General Authority: NDCC 4-29-03, 4-29-04, 4-30-55.1

Law Implemented: NDCC 4-30-23